



**U.S. Department of Justice**

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May 10, 2024

Hon. Stephanie A. Gallagher  
U.S. District Judge  
District of Maryland

Re: United States v. Gabrielian, SAG-22-336

Dear Judge Gallagher:

The Government writes this letter in response to the Court's May 7, 2024 Order. *See* ECF 201.<sup>1</sup> The Court has ordered the Government to provide: (1) an email defense counsel read in Court and (2) "the dates and means of any and all communications (not to include any content) between the United States Attorney's Office for the District of Maryland and the Department of Justice's National Security Division between November 12, 2023 and the present relating to this case." *Id.*

1. The Email Defense Counsel Read in Court

The Court has consulted with defense counsel to inquire about the email defense counsel read aloud in Court. Defense counsel responded that he read from a "hard copy printout of a two-email exchange." Defense counsel stated he was unable to provide the "hard copy" from which he read to the Government, because he had "written all over it." Defense counsel further stated that, "the entire exchange on this subject was a total of five emails." As best the Government can determine after working with defense counsel, the entire exchange of five emails is included at Exhibit A.

2. Communications With the National Security Division

The Government has provided a list of emails (without content) between counsel and the National Security Division regarding this matter. That list is contained at Exhibit B.

The Government is unable to provide a list of phone calls between the National Security Division and counsel regarding this matter for a variety of reasons including: (1) the number and variety of devices and phone numbers used to contact the National Security Division; (2) the availability of records for such devices; and (3) the difficulty of determining whether any given call between counsel and the National Security Division pertained to this matter or other issues (counsel have a number of matters unrelated to this one on which they are in regular contact with

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<sup>1</sup> The Government also notes that, as established at the Status Conference, there is a pending motion from the defendant to exclude time under the Speedy Trial Act since November 16, 2023, ECF 184. This motion qualifies as a "pretrial motion" for which time "shall be excluded" pursuant to 18 U.S.C. § 3161(h)(1)(D).

the National Security Division). However, the Government states that counsel believe they contacted the National Security Division by telephone to discuss this matter in at least November and December, 2023, and February and May, 2024.

In addition, the Government informs the Court that as directed, the Government has consulted with its proposed expert witness and is preparing a summary of her anticipated testimony. When the witness has confirmed the accuracy of that summary, the Government intends to turn the summary over to defense counsel.

Very truly yours,

Erek L. Barron  
United States Attorney

By: /s/  
 Aaron S.J. Zelinsky  
 P. Michael Cunningham  
 Assistant United States Attorneys